

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANTOINE WILLIAMS,

Plaintiff,

v.

GREGORY BRYANT, *et al.*,

Defendants.

Case No. 2:21-cv-01654-JAD-EJY

**ORDER**

**I. DISCUSSION**

On September 8, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), filed an application to proceed *in forma pauperis* together with a civil rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted a financial certificate or an inmate account statement for the previous six-month period.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court grants Plaintiff a **one-time**

1 **extension** to file a fully complete application to proceed *in forma pauperis* containing all three of  
 2 the required documents. Plaintiff must file a fully complete application to proceed *in forma pauperis*  
 3 on or before **November 19, 2021**. Absent unusual circumstances, the Court will not grant any further  
 4 extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma*  
 5 *pauperis* with all three required documents on or before **November 19, 2021**, the Court will  
 6 recommend this case be dismissed without prejudice for Plaintiff to file a new case with the Court  
 7 when Plaintiff is able to acquire all three of the documents needed to file a fully complete application  
 8 to proceed *in forma pauperis*.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
 10 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
 11 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an  
 12 application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before  
 13 **November 19, 2021** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court will not  
 15 file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in*  
 16 *forma pauperis* with all three documents or pays the full \$402 filing fee.

## 17 **II. ORDER**

18 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's application to proceed  
 19 *in forma pauperis* (ECF No. 1) is denied without prejudice. Plaintiff may file a new fully complete  
 20 application to proceed *in forma pauperis* that includes all three documents by November 12, 2021.

21 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved  
 22 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 23 information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **November 19, 2021**, Plaintiff shall either pay  
 25 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
 26 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
3 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
5 (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
7 **six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
9 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action  
10 on or before **November 19, 2021**, the Court will recommend dismissal of this action without  
11 prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has  
12 all three documents needed to file a complete application to proceed *in forma pauperis*.

13 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF No.  
14 1-1) but will not file it at this time.

15  
16 DATED this 20th day of September, 2021.

17  
18   
19 ELAYNA J. YOUCHAH  
20 UNITED STATES MAGISTRATE JUDGE  
21  
22  
23  
24  
25  
26  
27  
28